

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

EDSEL RAY HILL,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-04-1728-F
	)	
WARDEN MIKE ADDISON,	)	
	)	
Respondent.	)	

**ORDER**

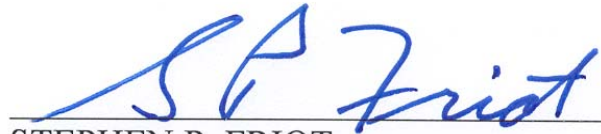
On March 31, 2005, United States Magistrate Judge Bana Roberts issued a Report and Recommendation, wherein she recommended that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed as untimely under 28 U.S.C. § 2244(d)(1).

Presently before the court is the objection of petitioner to Magistrate Judge Roberts' Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court agrees that petitioner's habeas corpus petition is time-barred under 28 U.S.C. § 2241(d)(1). The court finds that petitioner has not shown sufficient basis for equitable tolling. The court concludes that petitioner's arguments to the contrary are without merit. The court therefore accepts and adopts Magistrate Judge Roberts' Report and Recommendation.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bana Roberts on March 31, 2005 (docket entry no. 9) is

**ACCEPTED** and **ADOPTED**. Petitioner, Edsel Ray Hill's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 by a Person in State Custody, filed December 20, 2004 (docket entry no. 1), is **DISMISSED** as untimely under 28 U.S.C. § 2244(d)(1). Judgment shall issue forthwith.

Entered this 27<sup>th</sup> day of April, 2005.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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